UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,655	10/04/2001	Viktors Berstis	AUS920010938US1	2026

7590 04/09/2007	EXAMINER
Robert V. Wilder Attorney at Law 4235 Kingsburg Drive Round Rock, TX 78681	KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
2192	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 January 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 January 2007</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   This is in response to application file 01/24/07.

2.   Claims 1 – 24 are pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Price USPN 6,738,932 B1 (art of record) in view of Brody US 2001/0051928 A1.

        Regarding claim 1, Price discloses a method for extracting information from a

software package, said software package including a number of executable software

modules, organized in a manner determined by said identification information, said

method comprising:

        determining an organization of said executable software modules within said

software package (Figure 3, 310 and all associated text).

        extracting said identification information from said organization of said executable

software modules within said package (5:1 – 5, see identified executables are

retrieved). Price doesn't expressly disclose wherein said organization comprising a

sequence in which component of said executable software modules are linked.

However, Brody in an analogous art and similar configuration of

organizing/reorganizing code (see abstract) discloses determining the original orders of

or permutation groups and further discloses being implemented with binary code and

as well as linked code and being able to identify the sequences (0141). Therefore it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine, Price and Brody because, it would enable reorganizing/reverse

engineering the code.

Regarding claim 2, the method as set forth in claim 1 wherein said executable

software modules are coupled together in a manner representative of said identification

information (2:50 – 65, shows identification system, which includes index mechanism

for identifying files depending on its arrangement).

Regarding claim 3, wherein said executable software modules are coupled

together by compiling said software modules into an executable form of said software

package (6:65 – 67, shows the use of a compiler),

Regarding claim 4, wherein said executable software modules are coupled

together by linking said executable software modules into an executable form of said

software package (6:20 – 25, see linker).

Regarding claim 5, the method as set forth in claim 1 and further including:

analyzing said software package to determine an organizational relationship

among said software modules (Figure 1, 160 and 170); and

determining said first format from said organizational relationship of said software

modules (4:5 – 10, see versions of any type).

Regarding claim 6, the method as set forth in claim 1 and further including

transmitting said organization over a network to a requesting terminal, said requesting

terminal being enabled to extract said identification information from said organization of

said executable software modules of said software package (4:40 – 55).

Regarding claim 7, wherein said software package is transmitted from a user

terminal over an internet network to a server (7:45 – 55).

Regarding claim 10, the method as set forth in claim 1 wherein said identification

information includes an identification of a user of said software package (5:7 – 10, see

identify computer system, interpreted as user).

Regarding claim 8, wherein said user terminal is a wireless device (7:45 – 55).

Regarding claim 9, wherein said user terminal is personal computer system

(Figure 1, 114).

Regarding claim 10, the method as set forth in claim 1 wherein said identification

information includes an identification of a user of said software package (5:7 – 10, see

identify computer system, interpreted as user).

Regarding claim 11, the method as set forth in claim 1 wherein said identification

information includes an identifying number related to said software package (2:47 – 52,

see version identification information, version name).

Regarding claim 12, the method as set forth in claim 11 wherein said identification information further includes an identification of a user of said software package (5:7 – 10, see identify computer system).

Regarding claim 13, the method as set forth in claim 1 wherein said executable software modules are organized in a series of sets of executable software modules, each of said sets comprising a predetermined number of executable software modules (7:40 – 50, see listings).

Regarding claim 14, wherein said series of sets corresponds to a binary series (7:60 – 65, see binary or executable).

Regarding claim 15, Doherty further discloses the method as set forth in claim 13 wherein said first format is other than a binary format, each of said sets comprising a number of said executable software modules other than two, said first format being determined according to an order in which said number of executable software modules are sequenced within said sets of executable software modules (7:40 – 45, see numerous formats).

Regarding claim 16, which is the medium version of claim 1 above, see rationale as previously discussed.

Regarding claim 17, the method as set forth in claim 1 as set forth in claim 16 wherein said medium is an optically encoded disk (8:55 – 60, see disk, CD ROM, the like).

Regarding claim 18, the method as set forth in claim 1 as set forth in claim 16

wherein said medium is a magnetically encoded magnetic diskette (8:55 – 60, see disk,

CD ROM, the like).

Regarding claim 19, which is the medium version of claim 9 above, see rationale

as previously discussed.

Regarding claim 20, the medium as set forth in claim 16 wherein software

package resides on a memory device within a computer device (Fig. 1, 118).

Regarding claim 21, which is the medium version of claim 10 above, see

rationale as previously discussed.

Regarding claim 22, which is the medium version of claim 11 above, see

rationale as previously discussed.

Regarding claim 23, which is the medium version of claim 9 above, see rationale

as previously discussed.

Regarding claim 24, see reasoning in claim 1.

Response to Arguments

5.   Applicant's arguments with respect to claims 1 – 24 have been considered but

are moot in view of the new ground(s) of rejection.

Correspondence information

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.